

COMMITTEE OF THE WHOLE

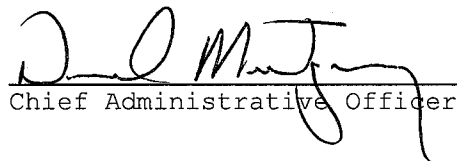
11-0041R

RESOLUTION AMENDING RESOLUTION 09-0059 RETAINING FRANK MADDEN & ASSOCIATES FOR SERVICE RELATED TO LABOR CONTRACTS BEGINNING IN 2011, INCREASING THE AMOUNT BY \$50,000 FOR A NEW TOTAL AMOUNT NOT TO EXCEED \$100,000.

CITY PROPOSAL:

RESOLVED, that the city council hereby amends Resolution 09-0059, retaining Frank Madden & Associates, to provide legal services to the city related to labor contracts beginning in 2011, increasing the amount by \$50,000 for a new total amount not to exceed \$100,000 for both the 2010 and 2011 contract negotiations, and authorizes the proper city officials to execute a first amendment to professional services agreement substantially the same as that on file in the office of the city clerk as Public Document No. \_\_\_\_\_; funds shall be payable from Fund 110, Department 700, Organization 1407, Object 5304.

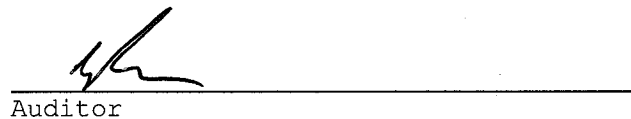
Approved for presentation to council:

  
Chief Administrative Officer

Approved as to form:

  
Attorney

Approved:

  
Auditor

ADM/ATTY GBJ:blj 1/13/2011

STATEMENT OF PURPOSE: The council previously approved an agreement for professional services in the amount of \$50,000 to retain Frank Madden & Associates to provide legal services related to city labor the 2010 labor contracts, which agreement expires on January 1, 2012. This resolution authorizes the proper city officials to execute a first amendment to professional services agreement with Frank Madden & Associates to provide continuing legal services related to labor negotiations with city's collective bargaining units for new labor contracts beginning in 2011, and amends Resolution 09-0059 for a new total amount not to exceed \$100,000 for the total term of the agreement including both the 2010 and 2011 negotiations.

**FIRST AMENDMENT TO  
AGREEMENT FOR PROFESSIONAL SERVICES  
FRANK MADDEN & ASSOCIATES**

This First Amendment to that certain Agreement for Professional Services ("Agreement") between the City of Duluth, Minnesota ("City") and Frank Madden & Associates ("Service Provider") is made and entered into this \_\_\_\_ day of January, 2011 by and between the City of Duluth, a municipal corporation and Frank Madden & Associates..

**RECITALS**

WHEREAS, the City desires to continue to utilize Service Provider's professional services to provide legal services related to the City's labor contracts; and

WHEREAS, City and Attorney entered into an Agreement for Professional Services dated February 24, 2009 and approved by City Council Resolution 09-0059 on February 23, 2009; and

WHEREAS, City has a need for services in excess of that maximum fee set forth in the Agreement.

NOW, THEREFORE, in consideration of the foregoing and for good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, City and Attorney hereby agree as follows:

- A. Attorney will continue to provide the services identified in the Agreement.
- B. It is agreed that the maximum fee for the term of the Agreement shall be increased by Fifty Thousand Dollars (\$50,000), for a new total amount not to

exceed One Hundred Thousand Dollars (\$100,000) or as further approved by resolution of the Duluth City Council.

- C. All other terms and conditions of the Agreement shall remain in full force and effect.

IN WITNESS WHEREOF, the City and Attorney have executed this contract as of the date first written above.

CITY OF DULUTH,

FRANK MADDEN & ASSOCIATES

By \_\_\_\_\_  
Mayor

By \_\_\_\_\_  
Its: \_\_\_\_\_

Attest \_\_\_\_\_  
City Clerk

Countersigned:

\_\_\_\_\_  
City Auditor

Approved:

\_\_\_\_\_  
City Attorney